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Attorney Reference Number 8247-82809-01
Application Number 09/765,985

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Message: Transmitted herewith is an interview agenda. If you do not receive all pages or if you have any other problems with this transmittal, please call Molly Boyd at (503) 595-5300.

In re application of: Michael A. Sharp

Application No. 09/765,985

Filed: January 19, 2001

Confirmation No. 1204

For: METHOD AND APPARATUS FOR
EMBEDDING ADVERTISEMENTS IN
AUDIO FILES FOR INTERNET AND
NETWORK DISTRIBUTION

Examiner: Krishan K. Mittal

Art Unit: 3688

Attorney Reference No. 8247-82809-01

Interview Agenda

1. Applicant provides this agenda in preparation for a telephonic examiner interview to be conducted on **Wednesday, June 1, 2011, at 3:00 PM Eastern.**
2. Applicant would like to discuss the rejections of claims 35-49 in view of U.S. Patent No. 5,721,827 (Logan) and other references. In particular, Applicant would like to discuss the deficiencies of Logan in teaching or suggesting the invention claimed in the present application. For the Examiner's convenience, some examples of these deficiencies are set forth below.
 - a. Logan does not teach or suggest the creation of a single combined audio file as recited in claim 35.

Claim 35, the sole pending independent claim, is directed to a method of combining at least two audio files containing media into a *single combined audio file*. Logan does not teach or suggest the combination of at least two audio files in this manner. Instead, Logan teaches that multiple "programming and advertising segments" can be downloaded. (See, e.g., col. 6, line 65 - col. 7, line 12) Each of these segments, however, is a separate file—not portions of a single combined audio file as alleged in the Office action.

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In fact, because these segments are separate files the user must also download a "program sequence file which provisionally identifies the order in which downloaded program segments are to be played." (See col. 7, lines 8-13) Obviously, if these segments were joined into a *single combined audio file*, as recited in claim 35, there would be no need to specify the order of playback in a separate "sequence file." If the program segments described in Logan were joined into a single combined audio file (as alleged in the Office action), the order of playback would simply be the order of arrangement of the files in the single combined audio file. But since they are not combined into a single combined audio file, a sequence file is required.

Thus, at best, Logan teaches that multiple "program segments" can be downloaded along with a "sequence file" (i.e., a playlist) that tells the playback device the order in which it should select and playback the program segments. Logan does not teach or suggest the creation of a *single combined audio file* as recited in claim 35.

- b. Logan also does not teach or suggest making files accessible for download free of charge as recited in claim 35.

Logan also does not teach or suggest that the program segments, which can be downloaded and played back in the order identified by the sequence file, can be made accessible "free of charge" as recited in claim 35. Instead, Logan repeated indicates that subscribers must pay a "charge" ranging from a "minimum charge" to higher charges. (See col. 21, lines 44-53) A minimum charge is, obviously, still a charge.

For example, Logan notes that advertising segments can "reduce[] the programming charge to the subscriber." (See col. 9, lines 57-63) Similarly, Logan states that a "ChargeLevel value of zero indicates that the subscriber desires to pay the minimum charge and correspondingly is willing to accept sufficient advertising content to achieve that goal." (See col. 21, lines 44-53) (emphasis added). The "ChargeLevel" can be set at zero, however, that does not mean that the charge is zero. Instead, as clearly stated in that same sentence, the charge is reduced to the "minimum charge." Accordingly, both of these statements refer to reducing the cost associated with the service, but neither of these statements teaches or suggests that the services can be provided "free of charge" as recited in claim 35.

3. For at least the above reasons, Applicant respectfully submits that Logan does not teach or suggest the features recited in independent claim 35 or the claims which depend from claim 35. Nor do the other cited references remedy the deficiencies of Logan.


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May 27, 2011
Date